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## Social Construction Causes Re-Crime of Children (Recidivists)

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### ABSTRACT:

*This research is motivated by the rise of criminal cases or violations of law committed by minors. This study is more focused on some children who fall into the category of recidivists, namely children who have repeated criminal acts and have lived in coaching institutions more than once. Criminal acts committed by children in this study were in the form of violations in drug cases, theft, and traffic violations at Special Children's Development Institute (LPKA) Class II, Bandung. This study aims to answer the research question related to social construction which is the background of the child in carrying out repeated criminal acts. The technique of collecting data is through the process of observation, interviews and documentation studies. The findings of this study are that social construction of criminal acts committed by children is related to economic needs, satisfaction in acting, broken home, personal revenge, friendship environment, lifestyle and lack of skills of children.*

**KEYWORDS:** Social Construction, Crime, Child

### INTRODUCTION

Facts about juvenile delinquency are quite widely discussed. Cases of juvenile delinquency took a lot of attention due to delinquency cases that occurred quite alarmingly. Based on the results of data held by the Indonesian Child Protection Commission in 2017 that the last six years, Children facing the Law (ABH) reached 9,266 cases which have increased every year (Setyawan, 2017)

Based on Article 1 of Law No. 11 of 2012 concerning the Juvenile Justice System that children in conflict with the law hereinafter referred to as children in this discussion are children who are 12 years old, but not yet 18 years age who are suspected of committing a criminal act.

The type of juvenile delinquency committed is also a case that is considered severe. Data from the Law and Human Rights Research and Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia states that the number of cases of children facing law every year has increased from the nine complaints clusters of the Indonesian Child Protection Commission (KPAI), the case of children facing the law occupying the highest position. Until April 2015, there were 6,006 cases of children facing the law, including parenting issues reaching 3,160 cases, education of 1,764 cases, health and drugs 1,366 cases and cybercrime or pornography reaching 1,032 cases. (Yuliyanto & Ernis, 2016, p. 3)

The case of delinquency committed by the child was enough to slap all elements of society. Because in the education process, children are expected to be a generation that is able to develop

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all potential and cling to the values and norms that exist in society. Especially for minors who are still in school. At that age the child is expected to develop social, academic and religious potential in the world of education.

When many cases of child delinquency are highlighted. Some people are cornering children more than giving input regarding prevention and handling. Such a situation seems to be used by media elements as material for public consumption. Children in this period were humiliated and at that time they were reconstructed and presented as evil humans(Goldson, 1997, pp. 77-88). On some shows and news, a child as a perpetrator of delinquency is considered a failed human being and is not expected to have a future. Such a situation is not the correct condition. On the contrary, it increasingly breaks the spirit of children who actually still have the opportunity and the future to organize a better life. Handling acts of child delinquency should be given a special room to find a solution to overcome the problem.

The cause of criminal acts from juvenile delinquency is caused by various factors including poverty(Duncan & Brooks-gunn, 2000, pp. 188-196), wrong association, the formation of a non-conducive environment, and the pattern of education of parents who are wrong in forming attitudes and behavior(Evans, 2006, pp. 423-451). The cause of other delinquent actions is because at the age of adolescents the child experiences a phase of personality formation. Where a child is experiencing the stage of searching for identity by trying out new things that are considered suitable for their character. And at that age, a child also shows strong aggression accompanied by criminal acts (Marinus H. van IJzendoorn, 2010, pp. 703-728). So that many behaviors of children at this age do things that are considered to have a challenge to run. In fact, making the wrong association becomes a shelter to vent feeling disappointed or sad.

In many cases of child delinquency, most of the researchers studied with similar themes. They draw conclusions if the strongest factor in the formation of child crimes is caused by a factor in parents' mistakes in applying parental care(Jr & Fisher, 2014, pp. 158-165), (Cramer & Blacker, 2015, pp. 282-290), (Edwards, 2009, pp. 1-42), (Finney & Haikston, 1985, pp. 471-477).

When many previous researchers have examined the problems of child delinquency from the direction of parenting patterns. In this case the authors find empty space in seeing the phenomenon. The authors give an opinion if other factors in the formation of juvenile delinquency behavior are not only by the parenting style of parents, but also by the social construction factors of children who are wrong in determining good or bad values.

Social Construction according to Peter & Luckman (1990, p. 5) is a process of meaning carried out by each individual towards the environment and aspects outside of himself which consist of externalization, internalization and objectivation processes. The social factor is said by the writer as the strongest and most important factor because it relates to how the habits of the community are able to construct the child's mind to give an assessment of actions that are considered good and bad. Because some habits of a society that inhabits an area can become a habit that affects the tendency of his personality traits. In this case it also influences children's habits in behavior which makes it possible to commit delinquent acts.

The absence of a study that pays attention to the child's construction factors from the social direction raises the interest of the authors to conduct an in-depth study related to the analysis of social construction that can affect children in carrying out repeated criminal acts (recidivists).

## METHOD

This study uses a qualitative approach. The approach of this research is focused on the analysis of social construction which is the background of the child's criminal offenses. Qualitative approaches need to be done to get data in depth and bring personal closeness to children who become informants in the study. So that children in this study feel more comfortable when researchers try to get information. The data is described and illustrated in a clearer and more specific way. Because it only focuses on aspects of children's social life such as the family and the environment where the child lives.

Participants in this study amounted to 10 participants, namely four children who committed repeated criminal offenses, five people from the Special Children's Development Institute (LPKA), two teachers, two religious teachers who also acted as religious teachers in LPKA. This research was conducted at the Special Children's Development Institute (LPKA) Class II in Bandung.

Data collection techniques used by researchers include observation, interviews and documentation studies. The data analysis technique uses data reduction, data presentation (data display), and conclusions (conclusion drawing verification). The data obtained will be processed and checked accordingly. The researchers check the correctness of the data by extending the time of research, continuous observation, triangulation, and using reference materials and conducting member checks.

## RESULTS AND DISCUSSION

### **Social construction which is the cause of a child's criminal offense at the Special Children's Development Institute (LPKA) Class II, Bandung**

The description of social construction referred to in this study is in the form of social life of children who are constructed or built continuously from the social conditions experienced by children in their lives. The social construction of the cause of the re-crime of children in the Special Children's Development Institute (LPKA) Class II in Bandung includes:

First, the social construction of economic factors. Economic factors are the background of a child's criminal offenses, especially in children with violations of the law of theft. In the research (Duncan & Brooks-gunn, 2000) entitled *Family Poverty, Welfare Reform, and Child Development* said if the trauma of poverty experienced by children will greatly affect the development of children's lives in the future. The background of the high needs of life makes the child brave to carry out these actions. The theft cases carried out by children also varied among them: house burglary, toy shop, and motorcycle theft.

Second, social lifestyle construction. Lifestyle factors are more due to the desire of children to look great and wallow in the eyes of colleagues. This is as a result of the child's desire to be accepted and recognized by the friendship environment. Lifestyle factors are also more caused by children's appetite to look better than other friends. Child criminal cases in this lifestyle construction include narcotics violations which are influenced by friendship environment interactions with deviant lifestyles (Lukasiewicz et al., 2008).

Third, social construction of family factors. At this point the family factor in question is a broken home family. All children in repeat crimes are known to be families with a broken background. Among them are divorce cases, single parents, mothers working abroad, and bad behavior of parents who are often displayed in front of children (Cramer & Blacker, 2015). All factors of family disharmony are more precisely caused by poor family member interactions that do not create warm interpersonal relationships (Evans, 2006). Family factors become the most important point because of the formation of character, habits and behavior of children for the first time taught at home. Like family functions that are vital in carrying out the functions of affection, recreation, education, religion, etc. In this case there is a need for a family parenting program to assist in giving direction in the formation of children's identity (Jr et al., 2014), (Finney & Haikston, 1985).

Fourth, personal revenge. Factors of revenge, emotion and anger are factors that cause children to construct thoughts to vent feelings of hurt to the victim. So that the child in this case was determined to commit a criminal act such as a slash which made the victim physically disabled. As in the research (Nagin & Tremblay, 1999) about *Trajectories of Boys' Physical Aggression, Opposition, and Hyperactivity on the Path to Physically Violent and Nonviolent Juvenile Delinquency* states if boys in adolescence show hyperactive behavior and have the highest risk of delinquency. So that boys are more willing to vent feelings and revenge which results in violent behavior. This case of violence is more shown in the strong aggression to act criminally on 16-year-olds (Marinus H. van IJzendoorn, 2010). Revenge cases are a complicated factor because until now the child feels his life has become insecure. Because they always feel wary of getting the same treatment from victims who have been harmed. In this case, the child involved in a slash case is incorporated into a motorcycle gang which certainly has many enemies and opponents when in the community. One of the child's aggressive behaviors according to (Smith & Thornberry, 1995) has a connection to persecution that was once obtained by children. So that the child in this case is formed hard and brave in committing acts of violence and persecution.

Fifth, friendship environment. Friendship environmental factors go hand in hand with family factors. These two factors go hand in hand because they are interrelated. Friendship and community environmental factors are important points because children are part of a society characterized by the amount of social risk to various problems that approach children (Kinner, Alati, Najman, & Williams, 2007). Child delinquency factors show the influence of behavior from fellow youth including school, and all child activities in the community (Bowen & Bowen, 1999). And at this time, children desperately need family and environmental support in order to become protectors in giving a view of life. Because in this study, all children who are caught up in recidivist acts have an environment that is not conducive to understanding good values and norms in society. Even children feel that they have been wasted and ostracized in society.

Sixth, lack of skills possessed by children. Children who get criminal penalties due to the economy such as theft, they say if they do not have practical skills. That's what makes their minds narrow to get money instantly. Based on research (Pettus-davis, Owen, Roberts-lewis, & Scheyett, 2011) *Naturally Occurring Social Support in Interventions for Former Prisoners with Substance Use Disorders: Conceptual Framework and Program Model* states if one of the benefits of developing child skills is one of them to reduce criminal risk. Either the child is able to use the expertise to find money, or the skill is able to channel the interests of children's talents so as not to fall into the wrong association and in vain.

Seventh, a coaching program at LKPA that lacks provision in practical skills. Based on the results of interviews and field observations, many children and teachers complained about some practical skills activities that had been omitted. Even though the activity is very good to support the ability of children when they leave the LPKA and make them productive communities later (Drakeford, 2015). One of the practical skills programs that used to exist was sewing. The lack of teacher staff and the budget makes various skills learning at LKPA stalled in line with the findings from (Nur & Bakhtiar, 2018) *Model of Child Prisoners Counseling (A Comparative Study in Japan, Malaysia and Indonesia) Model of Child Prisoners Counseling*. Even though practical skills programs are felt more effective in preparing capital and provision for children to be able to work and go directly to the community.

## CONCLUSION

The social construction that causes re-crime of children is caused by many factors. Based on the results of the research at the Special Children's Development Institute (LPKA) Class II, Bandung, several causes that construct the child's mind to do a criminal offense. They are: 1) Economic factors related to the need to fulfill life's needs. 2) Lifestyle factors related to the child's desire to be accepted in the association of fellow friends. 3) Family factors related to the needs of children to get love, protection and attention from both parents. 4) Personal revenge factors related to anger and emotional attitudes that cannot be controlled by children. 5) Factors of friendship and community environment that are related to child acceptance in the midst of the community, most of whom feel excluded by the neighborhood. 6) Factors in the lack of children's skills, which are related to practical skills that can become children's capital in meeting economic needs. And 7) Factors that are less effective coaching programs which are related to the lack of practical skills programs to prepare children after leaving LPKA.

Some of these factors are important to study in order to determine the direction of the coaching process for each child. Because every child is different from criminal cases, the pattern of formation is different.

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